

LAGOMARSINO LAW

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*Attorneys for Plaintiff Eugene McAteer***UNITED STATES DISTRICT COURT****DISTRICT OF NEVADA**

EUGENE McATEER, an individual;

CASE NO.: 2:20-cv-02285-APG-EJY

Plaintiff,

vs.

SUNFLOWER BANK, N.A.; and DOES 1-10
and ROES 1-10, inclusively;

Defendants.

**STIPULATION AND ORDER TO EXTEND
TIME TO COMPLETE THE FORENSIC
EXAMINATION AND THE 30(b)(6)
DEPOSITION OF LAURA FRAZIER AND
EXTEND OTHER DEADLINES****(First Request)¹**

IT IS HEREBY STIPULATED AND AGREED between the parties that the deadline to complete (1) a forensic examination of Defendant SUNFLOWER BANK, N.A.'s ("Sunflower") emails, and (2) Laura Frazier's 30(b)(6) deposition be continued for a period of thirty (30) days each, from the Court's prior Order (ECF No. 59), for the purpose of allowing the parties to complete extensive initial document review and production, as well as to complete a review of the produced documents prior to Ms. Frazier's 30(b)(6) deposition.

I. ADDITIONAL DISCOVERY ALLOWED BY THE COURT

On May 15, 2023, the Court ordered that Plaintiff be allowed to complete a forensic examination of SUNFLOWER's emails and that Plaintiff be allowed to take the 30(b)(6) deposition of Laura Frazier. The Court assigned deadlines of July 14, 2023 and August 14, 2023, respectively.

¹ This is the first request to extend the forensic examination and Rule 30(b)(6) deadlines contained in the Court's May 15, 2023 Minute Order (ECF No. 59). There have been prior extensions of the dispositive motion and pretrial order deadlines.

II. THE PARTIES' PROGRESS

Both parties have acted in good faith to adhere to the deadlines provided by the Court. Plaintiff has spoken to, and identified, a qualified forensic examination expert who is available and willing to complete the allowed forensic examination. However, in an effort to reduce costs for both parties, Defendant Sunflower conducted an additional email search using search terms provided by Plaintiff. This resulted in the production to Defendant's counsel of over 15,000 documents, which Defendant's counsel is actively reviewing.

The parties are also actively working to identify a date for Defendant's 30(b)(6) deposition, handled by Laura Frazier, taking into account defense counsel's reduced work schedule following a recent hospitalization, Plaintiff's counsel's upcoming five-week trial, and Ms. Frazier's general responsibilities in her high-level, executive position with Sunflower.

III. REASONS WHY PARTIES REQUEST AN EXTENSION

Given the volume of documents produced by Defendant in its supplemental search, pursuant to Plaintiff's search terms, Defendant's counsel requires more time to thoroughly review and produce the documents. As a result, Plaintiff needs additional time to review the produced documents and incorporate them, as necessary, into the 30(b)(6) deposition. Additionally, should Plaintiff be dissatisfied with the results of Defendant's search and production, Plaintiff needs time to allow a forensic examiner to conduct a forensic examination, to review those results, and to incorporate them into Defendant's 30(b)(6) deposition.

IV. ~~PROPOSED~~ EXTENDED DEADLINES

The parties respectfully request this Court enter an order as follows:

(A) Forensic Examination Deadline.

The current forensic examination deadline of July 14, 2023 should be extended for a period of thirty (30) days up to, and including, **Monday, August 14, 2023**.

(B) 30(b)(6) Deposition Deadline.

The current deadline to take the 30(b)(6) deposition of Ms. Laura Frazier of August 14, 2023 should be extended for a period of thirty (30) days up to, and including, **Wednesday, September 13, 2023**.

(C) Dispositive Motion Deadline.

Should the above extensions be granted, the dispositive motion deadline would be extended to **Monday, October 16, 2023.**

(D) Pretrial Order.

Should the above extensions be granted, the deadline for the Parties to file the pretrial order, absent any dispositive motions, would be extended to **Wednesday, November 15, 2023.**

This request for an extension is made in good faith and joined by all the parties in this case. Trial is not yet set in this matter and dispositive motions have not yet been filed. Accordingly, this extension will not delay this case. Since this request is a joint request, neither party will be prejudiced by the extension alone. The extension will allow the parties the necessary time to complete extensive document review and take a thorough 30(b)(6) deposition.

IT IS SO STIPULATED AND AGREED.

DATED this 12th day of July, 2023.

DATED this 12th day of July, 2023.

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FISHER & PHILLIPS LLP

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IT IS SO ORDERED.


 UNITED STATES MAGISTRATE JUDGE

DATED: July 12, 2023